

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-156-MOC-WCM**

KRISTINA RENE FROST and)
GARY ALLEN MAYS,)
Individually and as Personal)
Representatives of the Estates of)
Shawna Rene Mays and)
Tristan Allen Mays,)
)
Plaintiffs,)
)
vs.)
)
AMSAFE COMMERCIAL)
PRODUCTS, INC., et al.,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on a Motion for Summary Judgment filed by Defendants.¹ (Doc. No. 95).

The parties are familiar with the underlying facts and procedural background. This case arises out of a tragic car fire incident that resulted in the deaths of Plaintiffs' two minor children, Shawna Rene Mays and Tristan Alan Mays. All of the claims in this litigation associated with and arising out of the deaths of the children have been dismissed as barred by the statute of limitations. The only claims remaining are those asserted by Plaintiff Kristina Rene Frost in her individual capacity associated with her own personal injuries incurred as a result of burns she received during the car fire. Defendants have filed a summary judgment motion as to this single

¹ Also pending is Defendant's Motion in Limine, seeking to exclude the testimony of Plaintiff's expert witness Dr. Daniel Lozano. (Doc. No. 96). The Court takes this motion under advisement and will hold a hearing on the motion before trial.

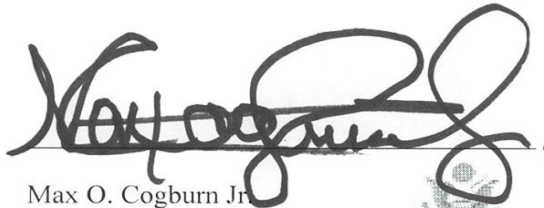
remaining claim, contending that, even viewed in the light most favorable to Plaintiff, she has not demonstrated that any of her burn injuries were directly and proximately caused by any alleged defect with the car seat buckle at issue in this case.

The Court held a hearing on the motion on September 5, 2023. At the conclusion of the hearing, the undersigned stated that summary judgment would be denied. As stated at the hearing, the Court finds that genuine issues of material facts exist as to causation in this case. Thus, the summary judgment motion is **DENIED**.

ORDER

IT IS, THEREFORE, ORDERED that Defendant's Motion for Summary Judgment (Doc. No. 95) is **DENIED**. This matter shall proceed to trial, to be scheduled in accordance with the Court's civil trial calendar.

Signed: October 18, 2023



Max O. Cogburn Jr.
United States District Judge